

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

In the Matter of  
Amendment of Section 73.202(b),  
Table of Allotments,  
FM Broadcast Stations,  
(Carmel, Carmel Valley,  
Hollister & Scotts Valley, CA)

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RM-7966  
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FCC MAIL BRANCH

To: Chief, Allocations Branch

**PETITION FOR RECONSIDERATION**

Eric R. Hilding, hereinafter "MASTER PETITIONER", submits this PETITION FOR RECONSIDERATION in the above-captioned matter. 1/

1. In correspondence dated October 11, 1989, the Commission returned the petition as "unacceptable", for reasons of alleged technical and procedural deficiencies. MASTER PETITIONER believes there have been oversights by the Commission in this matter, which accordingly warrant a PETITION FOR RECONSIDERATION.

2. MASTER PETITIONER submits that the originally tendered petition was in 100% compliance with the Commission's technical rules. The Commission mistakenly assumed that the proposal had suggested an "...involuntary relocation of a station's transmitting antenna", which was not the case. This assumption was the result

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1/ MASTER PETITIONER filed a CONSOLIDATED PETITION FOR RULE MAKING with the Commission on September 28, 1989, prior to a change in the mileage distance separation requirements. The ultimate allotments would thereby be "grandfathered" pursuant to the established rules. The original petition is resubmitted herewith as ADDENDUM 1.

of an error in the Commission's database files. Station KHIP has moved its antenna early in 1989, and filed the appropriate Form 302 to reflect operation from N/Lat: 36° 45' 23" \* W/Lon: 121° 30' 05". For some unexplainable reason, the Commission's FM database also showed former coordinates and reflected current use coordinates as as an erroneous pending construction permit authorization. 2/

3. The Commission's rejection letter was picked up at the Post Office about 3 hours before the 7.1 Richter Scale earthquake on October 17, 1989. All three proposed allotments would provide the public with additional emergency and disaster communications. Scotts Valley is adjacent to Santa Cruz, California, which suffered extensive damage in the quake. Sub-standard reception of numerous outside FM stations in the Scotts Valley is the result of "...local geographical terrain considerations..." 3/ The same applies to the Carmel Valley area. 4/ Hollister has only one existing FM station licensed to the community. All three of the proposed new allotments are for communities within an known area of continued future severe seismic activity. In addition to the benefits of "First Local Services" (Carmel Valley & Scotts Valley), and "Second Local FM Service" (Hollister), public necessity considerations far outweigh any minor procedural inconsistencies involved herein.

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2/ EXHIBIT 2 to the CONSOLIDATED PETITION FOR RULE MAKING contained an appropriate request to delete the incorrect data as "Moot".

3/ ADDENDUM 1 @ paragraph 3.

4/ ADDENDUM 2 @ page 2.

4. Substantial technical research and development, trial and error experimentation with the entire FM frequency spectrum was re-required to effectuate the proposed allotments. In consideration of all necessary channel spacing requirements, and the saturation of the spectrum within the area, the mathematical probabilities of achieving three new allotments by mere substitution of one existing 3KW station and one pending channel proceeding are incalculable. MASTER PETITIONER started work back in January, 1989, and spent hundreds of hours. Due to a change in the Commission's rules, and in order to meet the September 29, 1989 filing deadline, MASTER PETITIONER was working almost around the clock in order to bring many brand new FM service alternatives (including Carmel Valley, Hollister and Scotts Valley) to the public **before they would no longer be possible at any future point due a rules change.**

4. MASTER PETITIONER suggests that he was in "substantial compliance" with the Commission's procedural rules at time of filing the original petition. The petition "...request[ed] a waiver of any policies or rules which [might] conflict with the proposal as set forth [therein]." 5/ The Commission's rejection letter did not acknowledge that a request for waiver had been made.

5. Ill-advisement of Section 1.52 of the Commission's rules was partially responsible for not having all petitioner signatures at time of filing. In the case of Mr. Davis (Hollister), he was

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5/ ADDENDUM 1 @ paragraph 7.

on a Carribean cruise at the time of final solution discovered just before the mailing deadline. There was no way of obtaining his signature for that portion of the petition. Prior to his departure it appeared two new channels could be allocated to Hollister. One was going to be submitted by Mr. Davis and the other by MASTER PETITIONER as an individual. Unfortunately, only one could be found and Mr. Davis was construed as a "Co-Channel Petitioner" as was Mildred Holmes (@ Scotts Valley). Joseph & Jan Miller were to be the individual "Co-Petitioners" at Carmel Valley. However, it is a fact that MASTER PETITIONER so designated himself for all three allotments, and made the necessary statements of intent to apply for the channels at both Hollister and Scotts Valley 6/ He also affirmed that the ultimate recipient of the construction permits involved for all the new allotments would be responsible for reimbursement of the "reasonable" channel change expenses to be incurred by Station KHIP. 7/ The term "MASTER PETITIONER" (denoting "PRIMARY Petitioner" or "PRINCIPAL Petitioner") means that he superceded all other parties involved in the petition. 8/ Thus, "substantial compliance" with the rules was effectuated, especially in view of the request for a procedural waiver.

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6/ ADDENDUM @ footnote 2 and footnote 3 respectively.

7/ ADDENDUM 1 @ paragraph 8.

8/ ADDENDUM @ page 4 signature line. However, since MASTER PETITIONER had not made a specific statement of intent to apply at Carmel Valley, acceptance of the DECLARATION of Joseph Miller (as also signed by Jan Miller) is herein requested as a supplement to the original petition (see ADDENDUM 2).

6. As clearly visible from the map attached as ADDENDUM 3, the regional area involved with all three allotments is one of extremely diverse topography. Although there are numerous FM stations licensed to various communities, it is because of the severe and immediate changes in elevation, with significant mountain ranges, that FM reception of many stations is quite less than what would occur in the midwest or other parts of the United States. Scotts Valley is concaved into a pocketed area of the Santa Cruz Mountains, as is Carmel Valley tucked away into a portion of the valley which bears the same name. There is high elevation topography surrounding these communities, as is the case with Hollister. Unfortunately, Hollister FM reception of Monterey Bay area stations is quite limited because of the Gabilan Range on which KHIP's antenna is located. Hollister is the major population center for all of San Benito County, which has been projected for a 64% population growth increase by the year 2000.

7. MASTER PETITIONER has worked in the Real Estate related industry in Hollister, and as former Sales Manager for KSCO/KLRS Radio in Santa Cruz, California, is very knowledgeable about the regional area as a whole. 2/ MASTER PETITIONER's family has owned property in the Scotts Valley area for many years, and he is in the process of acquiring same for potential use as an antenna site.

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2/ MASTER PETITIONER also possesses a Bachelor of Arts degree in Geography, and is also the Petitioner of Rule Making responsible for two previous allotments within the regional area: Freedom, CA (1983) and Morgan Hill, CA (1987). Both construction permits were granted to other entities.

8. With respect to providing service on the licensee of KHIP, MASTER PETITIONER relies upon the previous request for a waiver. Upon issuance of a Notice of Proposed Rulemaking in this matter, any license or party involved will be served with a copy of the proposal. In its letter of October 11, 1989, the Commission made reference to Benedek Broadcasting Corporation as licensee of KHIP which is incorrect. KHIP had been sold, and the original sale closing was to have been approximately September 1, 1989, however delayed and not effective until September 30, 1989. Since MASTER PETITIONER did not finalize matters pursuant to his petition until just before filing on September 28, 1989, confusion existed as to just who would be the appropriate licensee of KHIP to serve, due to the sale in progress which had been continually delayed. 10/

11. MASTER PETITIONER feels that the public service benefits of the allotment proposals herein and substantial compliance with the Commission's procedural rules warrant serious reconsideration


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10/ Even as of October 11, 1989, almost two weeks after filing of the Consolidated Petition for Rulemaking, the Commission itself did not know who the actual KHIP licensee was upon issue of its letter. Mr. Benedek, who is now known personally, was not informed of the filing pendency until after the sale closing. MASTER PETITIONER could not, in good conscience, jeopardize the KHIP sale in progress by informing Mr. Benedek of the proposal, because he would have had a fiduciary responsibility to make disclosure to the new owners (in spite of the fact nothing concrete would even develop until the technical considerations had passed muster at the Commission). So MASTER PETITIONER made a discretionary judgment, knowing that the ultimate licensee would in fact be served upon issuance of an NPRM, so as not to cause unnecessary interference with a transaction in progress. Pursuant to a "non-compete" agreement, Mr. Benedek is precluded from any ownership or station employment in the regional area involving all allotments for a period of four years.

for reinstatement of the Consolidated Petition for Rule Making as of the effective date of filing at the Commission on September 28, 1989 to insure "Grandfatherability". All communities involved will otherwise be prohibited from new service opportunities because of a change in the Commission's rules. MASTER PETITIONER received no compensation from either Mr. Davis or Mrs. Holmes as consultant, but rather had, as a courtesy because of expression of interest and agreement to KHIP reimbursement and commitments to file, authorized themselves to be included. For purposes of reinstatement to insure total compliance with the rules, MASTER PETITIONER is now the sole channel petitioner for Hollister and Scotts Valley. 11/

MASTER PETITIONER humbly seeks the Commission's favor, in the public interest, convenience and necessity, to process the original petition as modified above.

Responsibly submitted,

  
Eric R. Hilding  
w/attachments

Date: November 8, 1989

Eric R. Hilding  
P.O. Box 1700  
Morgan Hill, CA 95038-1700  
Tel: (408)842-2223

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11/ Mr. Davis and Mrs. Holmes may be added by means of supplement at a later point. The Declaration of Joseph and Jan Miller (see footnote 8 and ADDENDUM 2) insures any compliance requirements.

ADDENDUM 1  
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SEP 28 1989

FCC MAIL BRANCH

BEFORE THE  
**Federal Communications Commission**

WASHINGTON, D.C. 20554

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Federal Communications Commission  
Office of the Secretary

In the Matter of )  
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Amendment of Section 73.202(b), )  
Table of Allotments, )  
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(Carmel, Carmel Valley, )  
Hollister & Scotts Valley, CA) )

To: Chief, Allocations Branch

CONSOLIDATED PETITION FOR RULE MAKING

Eric R. Hilding, Mildred M. Holmes, Joseph C. Miller and  
Jan M. Miller, and Carlos Davis ("Petitioners"), herein submit this  
CONSOLIDATED PETITION FOR RULE MAKING and SUBSTITUTION PROPOSAL as  
set forth below:

<u>COMMUNITY</u>	<u>PRESENT</u>	<u>PROPOSED</u>
Carmel, CA	238A	240A
Carmel Valley, CA	----	236A
Hollister, CA	228A	228A, 238A ✓
Scotts Valley, CA	----	229A ✓

1. This Substitution Proposal will effectively yield two new  
"first local service" and one "second local service" allotments,  
for a total of three new FM allocations. Miraculously, only one  
existing station and one channel with pending applications will be  
required to move in order to effectuate this proposal. All mileage  
distance separation requirements have been met for each channel.



2. The new "first local service" Channel 236A at Carmel Valley, CA can be allocated without site restriction as set forth in EXHIBIT 1. 1/

3. The new "second local service" Channel 228A at Hollister, CA can be allocated with a minimal site restriction of 7.97km, or 4.95 miles from community coordinates of 36-51-09 \* 121-24-02, as set forth in EXHIBIT 2. 2/ The substitution of Channel 228A for existing KHIP on Channel 228A is necessary, in order to provide a no site restriction allotment at Scotts Valley, CA. This is due to the location of KHIP's antenna site approximately 12.8 km (or 8 miles) to the extreme Southwest of the community. The indicated site restriction for the substituted allotment of Channel 228A at Hollister for a new application is to the Southeast of the city (see EXHIBIT 2 and EXHIBIT 3). Because of local geographical terrain considerations at Scotts Valley, this method is required.

4. The new "first local service" Channel 229A at Scotts Valley, CA can be allocated without site restriction as discussed above, and set forth in EXHIBIT 4. 3/

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1/ Joseph C. Miller and Jan M. Miller are petitioners for this new allocation at Carmel Valley, CA, and will file an application for Construction Permit to build the facility when granted.

2/ Carlos Davis and Eric R. Hilding are petitioners for this new substitution allocation at Hollister, CA, and will file application for Construction Permit to build the facility when granted.

3/ Mildred M. Holmes and Eric R. Hilding are petitioners for this new allocation at Scotts Valley, CA, and will file an application for Construction Permit to build the facility when granted.

5. In addition to substitution of KHIP on Channel 228A, the pending Carmel, CA applications will move to Channel 240A. There are eight (8) pending applications utilizing four (4) different antenna sites. All mileage separations clear required minimums on Channel 240A as set forth in EXHIBIT 5 (a,b,c,d). The Carmel proceeding has not yet been designated for hearing, thus there will be no disruption of the hearing process. In any event, it is an acceptable substitution in consideration of the magnanimous public benefits involving three (3) new allotments and extremely more efficient use of the FM frequency spectrum.

6. All mileage distance separations herein are to be considered as "Grandfathered" under existing rules. This proposal is being tendered prior to the October 2, 1989 cut-off date. 4/

7. Further, petitioners request a waiver of any policies or rules which may conflict with the proposal set forth herein. And, that any other proposals which may unknowingly have been filed in conflict hereto, be treated as Counterproposals for which all the petitioners may then be afforded the opportunity to make comment on the further substantial merits of this substitution proposal.

8. Petitioners understand that the ultimate recipient of the construction permits involved for the new allotments herein will be responsible for reimbursement of the reasonable channel change

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4/ SECOND REPORT AND ORDER, MM Docket No. 89-375, FCC 89-232, (Released August 18, 1989). Specific reference is made to paragraph 51 therein, and Sections 73.213(c) + 73.213(c)(1).

expenses to be incurred by station KHIP. It is suggested that said expenses be shared equally by all ultimate grantees for all three new allotments involved pursuant to this proposal.

For the reasons set forth herein, all petitioners hereto request that the Commission issue a Notice of Proposed Rule Making and include all petitioners as indicated for commenting purposes.

Respectfully submitted,



Eric R. Hilding,  
("Master Petitioner") and  
authorized consultant for:

(CARMEL VALLEY, CA)  
Joseph C. Miller  
Jan M. Miller  
60 Boronda Lane #24  
Monterey, CA 93940

(HOLLISTER, CA)  
Carlos Davis  
220 Tres Pinos Road  
Hollister, CA 95023

(SCOTTS VALLEY, CA)  
Mildred M. Holmes  
30 Willis Road  
Scotts Valley, CA 95066

[submitted with attachments]

Date: September 27, 1989

Eric R. Hilding  
HILDING COMMUNICATIONS  
P.O. Box 1700  
Morgan Hill, CA 95038-1700

HILDING COMMUNICATIONS  
Morgan Hill CA 95038

CARMEL VALLEY, California

Joseph C. Miller & Jan M. Miller

REFERENCE		CLASS A	DISPLAY
36 28 47 N			SEARCH DATE
121 43 53 W			09-27-89

----- CHANNEL 236 - 95.1 MHz -----

CALL	CH#	CITY	STATE	BEAR'	D-KM	R-KM	MARGIN
AP238	238A	Carmel	CA	329.5	9.48	27.0	-17.52 *
AP238	238A	Carmel	CA	327.9	9.54	27.0	-17.46 *
AP238	238A	Carmel	CA	327.9	9.54	27.0	-17.46 *
AP238	238A	Carmel	CA	328.1	9.55	27.0	-17.45 *
AP238	238A	Carmel	CA	327.9	9.56	27.0	-17.44 *
AP238	238A	Carmel	CA	327.9	9.56	27.0	-17.44 *
AP238	238A	Carmel	CA	327.9	9.56	27.0	-17.44 *
AP238	238A	Carmel	CA	327.9	9.56	27.0	-17.44 *
AL238	238A	Carmel	CA	297.2	18.66	27.0	-8.34 **
KWSS	233B	Gilroy	CA	351.9	70.77	69.0	1.77 <
KDJK	236B	Oakdale	CA	36.5	181.22	163.0	18.22
KATD	237A	Los Gatos	CA	346.4	82.76	64.0	18.76
KOTRFM	235B1	Cambria	CA	150.3	122.07	88.0	34.07
AL235	235B1	Cambria	CA	150.3	122.07	88.0	34.07
KSANFM	235B	San Francisco	CA	335.0	148.15	105.0	43.15

(\*) Delete (Move from Ch 238A to Ch 240A) (\*\*) Delete Allocation (N/A)

Coordinates are community reference coordinates/GNIS

HILDING COMMUNICATIONS  
Morgan Hill CA 95038

HOLLISTER, California

Carlos Davis/Eric R. Hilding

REFERENCE								DISPLAY
36	48	10	N					SEARCH DATE
121	20	10	W		CLASS A			09-27-89

----- CHANNEL 228 - 93.5 MHz -----

CALL	CH#	CITY	STATE	BEAR'	D-KM	R-KM	MARGIN
KHIP	228A	Hollister	CA	256.1	12.69	105.0	-92.31 *
KHIP.C	228A	Hollister	CA	250.8	15.63	105.0	-89.37 * *
KLFA	230B1	King City	CA	167.1	48.13	48.0	0.13 <
KOSO	226B	Patterson	CA	357.6	78.71	69.0	9.71
AL230	230B1	King City	CA	167.6	65.95	48.0	17.95
KYA	227B	San Francisco	CA	325.8	123.59	105.0	18.59
CP282	282A	Gonzales	CA	188.1	27.52	8.0	19.52
AL282	282A	Gonzales	CA	195.9	34.42	8.0	26.42
AL227	227A	Chowchilla	CA	69.9	102.24	64.0	38.24
AP227	227A	Chowchilla	CA	65.0	106.64	64.0	42.64
AP227	227A	Chowchilla	CA	65.6	111.14	64.0	47.14
KKBN	228A	Twain Harte	CA	34.6	169.95	105.0	64.95
KZOZ	227B	San Luis Obispo	CA	159.0	171.36	105.0	66.36
AP230	230A	Modesto	CA	16.6	94.23	27.0	67.23
AP230	230A	Modesto	CA	16.7	94.32	27.0	67.32
KFYE	229B	Fresno	CA	79.8	172.57	105.0	67.57
AP230	230A	Modesto	CA	15.2	96.04	27.0	69.04
AP230	230A	Modesto	CA	17.9	97.87	27.0	70.87
AL230	230A	Modesto	CA	17.7	97.89	27.0	70.89
KPFA	231B	Berkeley	CA	326.4	141.56	69.0	72.56

(\*) Delete (Moot)    (\*\*) Delete (Move from Ch 228A to Ch 238A)

Coordinates are site restriction coordinates from community

HILDING COMMUNICATIONS  
Morgan Hill CA 95038

## SUBSTITUTION OF KHIP

From Ch 228A to Ch 238A

## REFERENCE

36 45 23 N  
121 30 5 W

## CLASS A

DISPLAY  
SEARCH DATE  
09-19-89

----- CHANNEL 238 - 95.5 MHz -----

CALL	CH#	CITY	STATE	BEAR'	D-KM	R-KM	MARGIN	
AP238	238A	Carmel	CA	228.4	33.92	105.0	-71.08	*
AP238	238A	Carmel	CA	228.6	34.15	105.0	-70.85	*
AP238	238A	Carmel	CA	228.6	34.17	105.0	-70.83	*
AP238	238A	Carmel	CA	228.6	34.17	105.0	-70.83	*
AP238	238A	Carmel	CA	228.6	34.17	105.0	-70.83	*
AP238	238A	Carmel	CA	228.6	34.17	105.0	-70.83	*
AP238	238A	Carmel	CA	228.6	34.19	105.0	-70.81	*
AP238	238A	Carmel	CA	228.6	34.19	105.0	-70.81	*
AL238	238A	Carmel	CA	239.2	43.24	105.0	-61.76	**
KATD	237A	Los Gatos	CA	321.3	63.74	64.0	-0.26	***
AL241	241A	Morgan Hill	CA	342.0	43.39	27.0	16.39	
CP241	241A	Morgan Hill	CA	335.9	46.22	27.0	19.22	
KKHIFM	239B	San Francisco	CA	321.3	132.74	105.0	27.74	
KSANFM	235B	San Francisco	CA	321.3	132.68	69.0	63.68	
KNTD	240A	Livingston	CA	48.2	93.06	27.0	66.06	
AD291	291A	San Lucas	CA	148.1	81.90	8.0	73.90	
KDJK	236B	Oakdale	CA	37.1	144.30	69.0	75.30	
KYNOFM	239B	Fresno	CA	83.2	181.02	105.0	76.02	
AL235	235B1	Cambria	CA	163.8	142.38	48.0	94.38	
KOTRFM	235B1	Cambria	CA	163.8	142.38	48.0	94.38	
KNEV	238C	Reno	NV	29.6	319.52	222.0	97.52	

(\*) Delete from Ch 238A (Move to Ch 240A)      (\*\*) Delete Allocation (N/A)

(\*\*\*) Rounded clearance from 63.74 to 64.0 km is within the Commission's rules

Reference coordinates are for KHIP (CP)

HILDING COMMUNICATIONS  
Morgan Hill CA 95038

SCOTTS VALLEY, California

Mildred M. Holmes/Eric R. Hilding

REFERENCE  
37 3 4 N  
122 0 49 W

CLASS A

DISPLAY  
SEARCH DATE  
09-27-89

----- CHANNEL 229 - 93.7 MHz -----

CALL	CH#	CITY	STATE	BEAR'	D-KM	R-KM	MARGIN	
KHIP.C	228A	Hollister	CA	125.6	56.16	64.0	-7.84	*
KHIP	228A	Hollister	CA	122.5	56.99	64.0	-7.01	**
KYA	227B	San Francisco	CA	352.9	75.27	69.0	6.27	
KOSO	226B	Patterson	CA	48.0	76.42	69.0	7.42	
KLFA	230B1	King City	CA	136.3	103.09	88.0	15.09	
KPFA	231B	Berkeley	CA	348.6	92.19	69.0	23.19	
AL230	230B1	King City	CA	140.9	118.48	88.0	30.48	
AP230	230A	Modesto	CA	54.1	107.16	64.0	43.16	
AP230	230A	Modesto	CA	52.6	107.24	64.0	43.24	
AP230	230A	Modesto	CA	54.2	107.42	64.0	43.42	
AL230	230A	Modesto	CA	53.8	111.18	64.0	47.18	
AP230	230A	Modesto	CA	53.9	111.42	64.0	47.42	
AP229	229A	Sebastopol	CA	334.4	155.49	105.0	50.49	
AP229	229A	Sebastopol	CA	334.3	155.56	105.0	50.56	
AP230	230A	Modesto	CA	51.3	116.00	64.0	52.00	
AP229	229A	Sebastopol	CA	331.9	158.98	105.0	53.98	
AP230	230A	Modesto	CA	54.1	119.06	64.0	55.06	
AP230	230A	Modesto	CA	54.1	119.06	64.0	55.06	
AP230	230A	Modesto	CA	54.1	119.06	64.0	55.06	
AP230	230A	Modesto	CA	54.1	119.06	64.0	55.06	
AP230	230A	Modesto	CA	54.1	119.06	64.0	55.06	
AP230	230A	Modesto	CA	54.1	119.06	64.0	55.06	
AP230	230A	Modesto	CA	54.1	119.06	64.0	55.06	
AP230	230A	Modesto	CA	54.1	119.06	64.0	55.06	
AP230	230A	Modesto	CA	52.6	120.73	64.0	56.73	
AP229	229A	Sebastopol	CA	332.5	161.87	105.0	56.87	
AP229	229A	Sebastopol	CA	332.5	161.87	105.0	56.87	
AP229	229A	Sebastopol	CA	332.5	161.90	105.0	56.90	
AP229	229A	Sebastopol	CA	332.5	161.90	105.0	56.90	
AP229	229A	Sebastopol	CA	332.5	162.25	105.0	57.25	
AP229	229A	Sebastopol	CA	332.5	162.25	105.0	57.25	
AP229	229A	Sebastopol	CA	332.5	162.28	105.0	57.28	
AP229	229A	Sebastopol	CA	332.5	162.30	105.0	57.30	
AP229	229A	Sebastopol	CA	332.4	162.30	105.0	57.30	
AP229	229A	Sebastopol	CA	332.5	162.33	105.0	57.33	
AP229	229A	Sebastopol	CA	335.4	162.35	105.0	57.35	
AP229	229A	Sebastopol	CA	335.7	163.86	105.0	58.86	
KRXQ	229B1	Roseville	CA	20.3	197.47	138.0	59.47	
AL229	229B1	Roseville	CA	20.3	197.47	138.0	59.47	

(\*) Delete (Move from Ch 228A to Ch 238A)

(\*\*) Delete (Moot)

Coordinates are community of license

HILDING COMMUNICATIONS  
Morgan Hill CA 95038

## SUBSTITUTION OF CARMEL (APPLICATIONS)

From Ch 238A to Ch 240A

REFERENCE		CLASS A	DISPLAY
36 33 9 N			SEARCH DATE
121 47 17 W			09-19-89

----- CHANNEL 240 - 95.9 MHz -----

CALL	CH#	CITY	STATE	BEAR'	D-KM	R-KM	MARGIN
AP238	238A	Carmel	CA	0.0	0.00	27.0	-27.00 *
AP238	238A	Carmel	CA	0.0	0.00	27.0	-27.00 *
AP238	238A	Carmel	CA	0.0	0.03	27.0	-26.97 *
AP238	238A	Carmel	CA	0.0	0.03	27.0	-26.97 *
AP238	238A	Carmel	CA	0.0	0.03	27.0	-26.97 *
AP238	238A	Carmel	CA	0.0	0.03	27.0	-26.97 *
AP238	238A	Carmel	CA	0.0	0.03	27.0	-26.97 *
AP238	238A	Carmel	CA	38.9	0.04	27.0	-26.96 *
AP238	238A	Carmel	CA	71.3	0.29	27.0	-26.71 *
AL238	238A	Carmel	CA	272.3	11.52	27.0	-15.48 *
AL241	241A	Morgan Hill	CA	10.8	65.05	64.0	1.05 <
CP241	241A	Morgan Hill	CA	5.9	65.17	64.0	1.17 <
KNTD	240A	Livingston	CA	48.3	127.25	105.0	22.25
KKHIFM	239B	San Francisco	CA	335.5	138.75	105.0	33.75
KATD	237A	Los Gatos	CA	348.8	73.79	27.0	46.79
KSLYFM	241B	San Luis Obispo	CA	142.3	167.11	105.0	62.11
KEZR	293B	San Jose	CA	1.8	89.87	14.0	75.87
KOITFM	243B	San Francisco	CA	336.2	145.94	69.0	76.94

(\*) Delete from Ch 238A

Coordinates are for: BPH-880208MK &amp; BPH-880211MR



HILDING COMMUNICATIONS  
Morgan Hill CA 95038

## SUBSTITUTION OF CARMEL (APPLICATIONS)

From Ch 238A to Ch 240A

REFERENCE		CLASS A	DISPLAY
36 33 10 N			SEARCH DATE
121 47 16 W			09-19-89

----- CHANNEL 240 - 95.9 MHz -----

CALL	CH#	CITY	STATE	BEAR'	D-KM	R-KM	MARGIN
AP238	238A	Carmel	CA	0.0	0.00	27.0	-27.00 *
AP238	238A	Carmel	CA	270.0	0.02	27.0	-26.98 *
AP238	238A	Carmel	CA	270.0	0.02	27.0	-26.98 *
AP238	238A	Carmel	CA	270.0	0.02	27.0	-26.98 *
AP238	238A	Carmel	CA	270.0	0.02	27.0	-26.98 *
AP238	238A	Carmel	CA	218.9	0.04	27.0	-26.96 *
AP238	238A	Carmel	CA	218.9	0.04	27.0	-26.96 *
AP238	238A	Carmel	CA	76.0	0.26	27.0	-26.74 *
AL238	238A	Carmel	CA	272.1	11.55	27.0	-15.45 *
AL241	241A	Morgan Hill	CA	10.8	65.01	64.0	1.01 <
CP241	241A	Morgan Hill	CA	5.9	65.14	64.0	1.14 <
KNTD	240A	Livingston	CA	48.3	127.21	105.0	22.21
KKHIFM	239B	San Francisco	CA	335.4	138.73	105.0	33.73
KATD	237A	Los Gatos	CA	348.8	73.76	27.0	46.76
KSLYFM	241B	San Luis Obispo	CA	142.3	167.11	105.0	62.11
KEZR	293B	San Jose	CA	1.8	89.84	14.0	75.84
KOITFM	243B	San Francisco	CA	336.2	145.92	69.0	76.92

(\*) Delete from Ch 238A

Coordinates are for: BPH-880211MK

HILDING COMMUNICATIONS  
Morgan Hill CA 95038

## SUBSTITUTION OF CARMEL (APPLICATIONS)

From Ch 238A to Ch 240A

REFERENCE		CLASS A	DISPLAY
36 33 10 N			SEARCH DATE
121 47 17 W			09-19-89

----- CHANNEL 240 - 95.9 MHz -----

CALL	CH#	CITY	STATE	BEAR'	D-KM	R-KM	MARGIN
AP238	238A	Carmel	CA	0.0	0.00	27.0	-27.00 *
AP238	238A	Carmel	CA	0.0	0.00	27.0	-27.00 *
AP238	238A	Carmel	CA	0.0	0.00	27.0	-27.00 *
AP238	238A	Carmel	CA	0.0	0.00	27.0	-27.00 *
AP238	238A	Carmel	CA	90.0	0.02	27.0	-26.98 *
AP238	238A	Carmel	CA	180.0	0.03	27.0	-26.97 *
AP238	238A	Carmel	CA	180.0	0.03	27.0	-26.97 *
AP238	238A	Carmel	CA	77.3	0.28	27.0	-26.72 *
AL238	238A	Carmel	CA	272.1	11.52	27.0	-15.48 *
AL241	241A	Morgan Hill	CA	10.8	65.02	64.0	1.02 <
CP241	241A	Morgan Hill	CA	5.9	65.14	64.0	1.14 <
KNTD	240A	Livingston	CA	48.3	127.23	105.0	22.23
KKHIFM	239B	San Francisco	CA	335.4	138.72	105.0	33.72
KATD	237A	Los Gatos	CA	348.8	73.76	27.0	46.76
KSLYFM	241B	San Luis Obispo	CA	142.3	167.13	105.0	62.13
KEZR	293B	San Jose	CA	1.8	89.84	14.0	75.84
KOITFM	243B	San Francisco	CA	336.2	145.91	69.0	76.91

(\*) Delete from Ch 238A

Coordinates are for: BPH-880211MI, BPH-880211MJ, BPH-880211ML &amp; BPH-880211MM

HILDING COMMUNICATIONS  
Morgan Hill CA 95038

## SUBSTITUTION OF CARMEL (APPLICATIONS)

From Ch 238A to Ch 240A

REFERENCE						DISPLAY
36 33 12 N				CLASS A		SEARCH DATE
121 47 6 W						09-19-89

----- CHANNEL 240 - 95.9 MHz -----

CALL	CH#	CITY	STATE	BEAR'	D-KM	R-KM	MARGIN
AP238	238A	Carmel	CA	0.0	0.00	27.0	-27.00 *
AP238	238A	Carmel	CA	256.0	0.26	27.0	-26.74 *
AP238	238A	Carmel	CA	257.3	0.28	27.0	-26.72 *
AP238	238A	Carmel	CA	257.3	0.28	27.0	-26.72 *
AP238	238A	Carmel	CA	257.3	0.28	27.0	-26.72 *
AP238	238A	Carmel	CA	257.3	0.28	27.0	-26.72 *
AP238	238A	Carmel	CA	251.3	0.29	27.0	-26.71 *
AP238	238A	Carmel	CA	251.3	0.29	27.0	-26.71 *
AL238	238A	Carmel	CA	271.8	11.79	27.0	-15.21 *
AL241	241A	Morgan Hill	CA	10.6	64.91	64.0	0.91 <
CP241	241A	Morgan Hill	CA	5.7	65.05	64.0	1.05 <
KNTD	240A	Livingston	CA	48.2	126.98	105.0	21.98
KKHIFM	239B	San Francisco	CA	335.3	138.78	105.0	33.78
KATD	237A	Los Gatos	CA	348.6	73.75	27.0	46.75
KSLYFM	241B	San Luis Obispo	CA	142.4	167.01	105.0	62.01
KEZR	293B	San Jose	CA	1.6	89.77	14.0	75.77
KOITFM	243B	San Francisco	CA	336.1	145.96	69.0	76.96

(\*) Delete from Ch 238A

Coordinates are for: BPH-880210ML

DECLARATION

I, Joseph C. Miller, declare under penalty of perjury the following to be true, correct and complete of my own personal knowledge:

On September 28, 1989, a Petition for Rule Making was filed with the Commission which proposed allotment of FM Channel 236A to Carmel Valley, California. The proposal was consolidated with a "Master" petition which also included new allotments at Hollister and Scotts Valley, California. Eric R. Hilding was the "Master Petitioner" for the consolidated allotment proposal.

It is my understanding the Commission has returned petition documents to Mr. Hilding, stating that the proposal was technically and procedurally deficient. According to Mr. Hilding, there is an error within the Commission's data base, and/or a misunderstanding by the Commission of the technical acceptability of the proposal.

It is now my understanding that procedurally, a letter-of-the-law interpretation of policy suggests that Mr. Hilding could not act in the capacity of consultant for my wife and I, although he was given complete authority to do so in this matter. Apparent misinterpretation of the word "counsel", as relates to "consultant" created minor difficulty, and lack of time for written supplement in order to meet a technical related deadline imposed by the FCC.


Mr. Hilding has informed us that he plans to file a Petition for Reconsideration in this matter, because the original document had made specific request for "...waiver of any policies [...which would have conflicted] with the proposal..." The only conflict appears to be a misinterpretation of "counsel" v. "consultant".

I realize that if granted Construction Permit for the new FM service at Carmel Valley, my wife and I will be responsible for the reasonable channel/frequency change expenses for KHIP Radio. I do agree with Mr. Hilding's suggestion, however, that recipients of the Construction Permits for all three new allotments involved with the consolidated proposal share in said expenses.

Certain geographical factors obstruct reasonable reception from many FM stations within the entire Carmel Valley area. I am respectfully requesting that the Commission reconsider Hilding's consolidated proposal which would provide for allotment of a new FM service to Carmel Valley. As a former resident of the community and the general region, I believe the proposed allocation is in the public interest, convenience and necessity.

Upon allotment of Channel 236A at Carmel Valley, CA, my wife and I will file an application for a Construction Permit to build the requested facility.

Date: October 22, 1989

  
\_\_\_\_\_  
Joseph C. Miller  
60 Boronda Lane #24  
Monterey, CA 93940

*I also concur and agree to the above.*

*10/22/89*

*Jan M. Miller*

